



VOSH PROGRAM DIRECTIVE: 12-015F

ISSUED: March 1, 2007

SUBJECT: Consolidation of Repetitive Provisions for Parts 1910, 1915, 1926 and 1928

A. Purpose.

These 1996, 1998, 2005, and 2006 changes transmit to field personnel technical, housekeeping and error correction amendments for Parts 1910, 1915, 1926 and 1928 occupational safety and health standards.

CHANGES I - VII: These updates remove outdated and obsolete sections, consolidate repetitious provisions, revoke consensus standards, clarify confusing or ambiguous content by rewriting requirements into plain language and introduce cross references to reduce the volume of the rules and to facilitate compliance.

CHANGE VIII: VOSH adopted federal OSHA's corrections and technical amendments to the final rule for Roll-over Protective Structures (ROPS) for the Construction Industry and the Agriculture Industry which resulted from editorial errors found in the ROPS standards published in the direct final rule.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. References.

CHANGE I: 61 FR 9230 (March 7, 1996).

CHANGE II: 61 FR 31427 (June 20, 1996).

CHANGE III: 63 FR 33450 (June 18, 1998) and OSHA Memorandum 98-2 (October 7, 1998);

CHANGE IV: 70 FR 1111 (January 5, 2005);

CHANGE V: 70 FR 53925 (September 13, 2005);

CHANGE VI: 70 FR 76979 (December 29, 2005);

CHANGE VII: 71 FR 16669 (April 3, 2006); and

CHANGE VIII: 71 FR 41127 (July 20, 2006).

D. Cancellation.

VOSH Program Directive 12-015E (March 1, 2007).

E. Action.

Directors and Managers shall ensure that the guidelines in this directive are followed and that compliance officers are familiar with the contents of the standard.

F. Effective Dates.

CHANGE I: September 1, 1996.

CHANGE II: December 15, 1996.

CHANGE III: January 1, 1999.

CHANGE IV: August 15, 2005.

CHANGE V: June 15, 2006.

CHANGE VI: June 15, 2006.

CHANGE VII: August 1, 2006.

CHANGE VIII: March 21, 2007.

G. Expiration Date.

Not Applicable.

H. Background and Summary.

CHANGE I: Following a line-by-line review of its standards published in Title 29 of the Code of Federal Regulations (29 CFR), federal OSHA identified a number of sections and provisions of those standards which could be deleted, revised, clarified or reorganized throughout Parts 1910, 1915, 1926 and 1928. No changes to the substantive requirements of the affected standards were made. On June 17, 1996, the Safety and Health Codes Board adopted these revisions, with an effective date of September 1, 1996.

CHANGE II: OSHA issued a final rule which addressed minor clarifications, corrections, and technical amendments to OSHA standards. Most of the changes made in the final rule affect Subpart Z (Toxic and Hazardous Substances) of Parts 1910, 1915 and 1926. Duplicate health provisions from the shipyard and construction standards were eliminated and replaced with cross-references to the identical text in the general industry standards. The new final rule does not make any substantive changes to the requirements of the OSHA standards. This final rule was adopted by the Safety and Health Codes Board on September 30, 1996, with an effective date of December 15, 1996.

Note: Since the Safety and Health Codes Board adopted a Virginia unique regulation on the Access to Employee Exposure and Medical Records, § 1910.20, this section was not impacted by these technical amendments.

CHANGE III: In June 1998, federal OSHA published Phase I of the Standards Improvement Project which set forth changes to a number of health and safety provisions in 1910 and 1926 that will revise or eliminate duplicative, inconsistent or unnecessary regulatory requirements without diminishing employee protections. Substantive changes include reducing the frequency of required chest x-rays and eliminating sputum-cytology examinations for workers covered by the coke oven and inorganic arsenic standards, and changing the emergency-response provisions of the vinyl chloride standard. This federal final rule was adopted by the Safety and Health Codes Board on October 19, 1998, with an effective date of January 1, 1999.

CHANGE IV: In Phase II of the Standards Improvement Project, federal OSHA removed and revised 40 health provisions in 23 OSHA standards in general industry, shipyard employment, and construction that were outdated, duplicative, unnecessary, or inconsistent, or could be clarified or simplified by being written in plain language.

In regard to “inconsistent” standards, federal OSHA specifically revised a number of its older standards (vinyl chloride, acrylonitrile, coke oven emissions, arsenic, and DBCP) to be consistent with the frequencies of exposure monitoring, medical surveillance, and compliance plan updates established in the majority of more recently promulgated standards. (70 FR 1113)

The Board adopted Phase II of the Standards Improvement Project at its meeting on May 24, 2005, with an effective date of August 15, 2005.

CHANGE V: On November 24, 2004, OSHA published a notice in the *Federal Register* announcing its overall project to update OSHA standards that are based on national consensus standards (69 FR 68283). Also, on that same day, federal OSHA published in the *Federal Register* a direct final rule (69 FR 68712) which was later withdrawn on February 18, 2005. (70 FR 8291) The Board adopted this federal change at its meeting on March 7, 2006, with an effective date of June 15, 2006.

These revisions are part of OSHA’s overall effort to update its standards that reference, or that include language taken directly from, outdated consensus standards.

OSHA removed outdated references in the following standards:

1. 29 CFR 1910 Subpart A – General (§1910.6);
2. Subpart H – Hazardous Materials [§1910.106(b)(1)(iii)(a)(2)];
3. Subpart J – General Environmental Controls [§1910.142(c)(4)] – (Temporary labor camps, drinking fountains);
4. Subpart P – Hand and Portable Powered Tools and Other Hand-Held Equipment [§1910.243 (e)(1)(i)];
5. Subpart Q – Welding, Cutting and Brazing [§1910.254(d)(1)];
6. Subpart R – Special Industries [§1910.265(c)(31)(i) – Sawmills].

CHANGE VI: On December 29, 2005, in a separate action, OSHA reinstated its originally developed Roll-Over Protective Structures (ROPS) standards for both construction and agriculture to rectify several substantive differences between the national consensus standards and the original pre-1996 OSHA-

developed ROPS standards.(70 FR 76979) Minor non-substantive changes to improve readability and understanding were also made.

Federal OSHA revoked three references to outdated national consensus standards and two references to industry standards. By eliminating the outdated references, OSHA will clarify employer obligations under the applicable OSHA standards and reduce administrative burdens on employers and OSHA.

These standards are used to protect operators of wheel-type tractors and restored its originally developed standards.

In the Construction standards, OSHA removed paragraphs (c) through (i) and (k) from §1926.1002, which addressed testing of protective frames for wheel-type tractors used in construction, and replaced them with a reference to Society of Automotive Engineers (“SAE”) consensus standard J334a-1970 in §1926.1002(a)(1). Also, OSHA reinstated the impact-testing option provided by the original 29 CFR 1926.1002(c)(1), allowing the regulated community to use either a laboratory test or a field test for impact testing, while the SAE standard requires both tests.

OSHA revised §1926.1003, specifying testing requirements for overhead protection used with tractors, by removing paragraphs (c) through (g) and substituted them with a reference to SAE consensus standard J167-1970 in paragraph (a)(1).

In the Agriculture standards, OSHA deleted §§1928.52 and 1928.53, as well as Appendix B to subpart C of 29 CFR part 1928. Those deleted standards specified procedures for testing protective frames and enclosures for wheel-type tractors used in agriculture, respectively, while Appendix B provided diagrams depicting these testing procedures. In place of those requirements, OSHA referenced SAE consensus standard J334a-1970 and American Society of Agricultural Engineers (“ASAE”) consensus standard S306.3-1974 for protective frames, and SAE consensus standard J168-1970 and ASAE consensus standard S336.1-1974 for protective enclosures, in paragraph (b)(1) of revised 29 CFR 1928.51.

For both protective frames and protective enclosures, the testing conducted under the ASAE and SAE standards adopted in 1996 generally is consistent with the testing requirements of the original OSHA standards. However, OSHA found several substantive differences between the original OSHA standards and the consensus standards (for testing both protective frames and protective enclosures) that replaced them.

Consequently, this 2006 amendment reinstates the testing exemption found in the original OSHA ROPS standards and provides an additional cold-temperature testing option found in the original OSHA standards but not available in the SAE standards. OSHA also made minor non-substantive changes.

On March 7, 2006, the Safety and Health Codes Board adopted this revised final rule, with an effective date of June 15, 2006.

CHANGE VII: As part of the ongoing review of its regulations, VOSH adopted federal OSHA’s amendment to various safety and health standards in need of corrections, housekeeping changes or technical amendments. The revisions do not affect the substantive requirements or coverage of the standards involved, modify or revoke existing rights and obligations, or establish new rights and obligations. The revisions include updating references and removing obsolete effective dates and startup

dates from existing OSHA standards.

VOSH, however, did not adopt the changes in items 1, 33 and 34 of the attached *Federal Register* pages (71 FR 16672 *et seq.*) The changes covered under items 1, 33 and 34 update references from what was 29 CFR 1910.20 which, in 1988, the Board chose to continue the enforcement of the old federal standard, §1910.20, dealing with medical records, and it did not adopt the revisions and section renumbering to 29 CFR 1910.1020. VOSH also did not request the changes to Part 1913 as it too changes §1910.20 references to the current federal 29 CFR 1910.1020, which is not in effect in Virginia.

The Safety and Health Codes Board adopted this revised final rule on June 19, 2006, with an effective date of September 1, 2006.

CHANGE VIII: Federal OSHA published corrections and technical amendments to its direct final rule on Roll-over Protective Structures (ROPS) in construction, §1926.1002, and agriculture, §1928.53, on December 29, 2005. No adverse comments were received. In addition to editorial corrections, federal OSHA made technical changes to improve the consistency among the figures used in the standards and replaced a number of figures with new computer-generated images.

The Safety and Health Codes Board adopted these corrections and technical amendments to the final rule for Roll-over Protective Structures for the Construction Industry and the Agriculture Industry on December 6, 2006, with an effective date of March 21, 2007.

C. Ray Davenport
Commissioner

Attachments: CHANGE I - VII: None. See General Industry, Shipyard Employment and Construction Industry Standards.

CHANGE VIII: 71 FR 41127 (July 20, 2006).

E-Attachments: CHANGE V: 70 FR 7979 (December 29, 2005) and 70 FR 53925 (September 13, 2005).

http://www.osha.gov/FedReg_oshapdf/FED20051229.pdf

http://www.osha.gov/FedReg_oshapdf/FED20050913.pdf

and

CHANGE VI:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-24462.pdf>

CHANGE VII: http://www.osha.gov/FedReg_oshapdf/FED20060403.pdf

CHANGE VIII: http://www.osha.gov/FedReg_oshapdf/FED20060720.pdf

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Programs
VOSH Directors and Managers
VOSH Compliance Staff
Cooperative Programs Director and Manager
Legal Support Staff
VOSH IMIS Staff
OSHA Area Office, Norfolk
OSHA Regional Administrator, Region III

**MISCELLANEOUS AND TECHNICAL AMENDMENTS TO
PARTS 1910, 1915, 1926 AND 1928**

As adopted by the

Safety and Health Codes Board

CHANGE I: June 17, 1996
CHANGE II: September 30, 1996
CHANGE III: October 19, 1998
CHANGE IV: May 24, 2005
CHANGE V: March 7, 2006
CHANGE VI: March 7, 2006
CHANGE VII: June 19, 2006



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective dates:

CHANGE I: September 1, 1996
CHANGE II: December 15, 1996
CHANGE III: January 1, 1999
CHANGE IV: August 15, 2005
CHANGE V: June 15, 2006
CHANGE VI: June 15, 2006
CHANGE VII: September 1, 2006

Miscellaneous Minor and Technical Amendments to
Parts 1910, 1915, 1926 and 1928

**Roll-over Protective Structures
for the Construction Industry and the Agriculture Industry**

**16VAC25-175-1926.1002;
and Appendix “A” to Subpart “W” of 16VAC25-175**

**16VAC25-190-1928.52; 16VAC25-190-1928.53;
and Appendix “B” to Subpart “C” of 16VAC25-190**

As Adopted by the

Safety and Health Codes Board

Date: December 6, 2006



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: March 21, 2007

16VAC25-175-1926.1002;
and Appendix “A” to Subpart “W” of 16VAC25-175

16VAC25-190-1928.52; 16VAC25-190-1928.53;
and Appendix “B” to Subpart “C” of 16VAC25-190

When the regulations, as set forth in the Corrections and Technical Amendments to the direct final rule on Roll-Over Protective Structures in the Construction and Agriculture Industries, 16 VAC 25-175-1926.1002; and Appendix “A” to Subpart “W” of 16 VAC 25-175; 16 VAC 25-190-1928.53; and Appendix “B” to Subpart “C” of 16VAC25-190, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and
Industry

Agency

Department

February 27, 2006

March 21, 2007